

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ROBERT GALLEGOS,
Plaintiff,
v.
R. FERNANDEZ, et al.,
Defendants.

No. 2:24-cv-2526 CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 28, 2025, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and

1 recommendations to be supported by the record and by the Magistrate Judge's
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed February 28, 2025, are adopted in
5 full; and

6 2. All claims other than a claim for injunctive relief against the California
7 Department of Corrections and Rehabilitation, and a claim for damages against Sgt.
8 Britton both arising under the First Amendment are dismissed; and

9 3. This matter is referred back to the assigned Magistrate Judge for all further
10 pretrial proceedings.

11 IT IS SO ORDERED.

12 Dated: **April 18, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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